

IN RE: PETITION FOR SPECIAL HEARING
S/S of Baltimore Avenue, 375 ft. W
of c/l of Willow Spring Avenue
233 Baltimore Avenue
12 ~~9th~~ Election District
7 ~~4th~~ Councilmanic District
Dennis W. Johnson, et ux
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 99-232-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 233 Baltimore Avenue in Dundalk. The Petition was filed by Dennis W. Johnson and Linda C. Johnson, his wife, property owners. Special Hearing relief is requested to approve the ongoing use of the subject property as a boarding house, (a nonconforming use). The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Special Hearing, marked as Petitioner's Exh. No. 1.

Appearing at the requisite public hearing held for this case was Dennis W. Johnson, co-Petitioner. Also present were George B. Wischhusen and Viola Pennington. There were no Protestants or other interested persons present.

Testimony and evidence presented was that the subject property is a rectangularly shaped parcel, approximately 39 ft. in width and 120 ft. in depth. It is improved by a 3 story end of group townhouse unit. The dwelling is an older structure, and the property is located near the Baltimore City/Baltimore County line in Dundalk.

The Petitioners request relief to permit the dwelling to be used as a boarding house, as a nonconforming use. A Boarding House is defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) as a dwelling in which rooms are rented to unrelated persons. The property is zoned D.R.5.5, a zoning classification which does not permit a boarding house.

However, the BCZR does permit the grandfathering of uses as nonconforming uses. Nonconforming uses are also defined in Section 101 of the BCZR. Essentially, a nonconforming is a use that predates the adoption of the regulation which prohibits the use. Nonconforming uses are regulated by Section 104 of the BCZR. Essentially, that section provides that nonconforming uses may continue for so long as it is established that the use was instituted prior to the date of the adoption of the zoning regulations which prohibit the use. Moreover, the nonconforming use may continue for so long as same is not abandoned or

ORDER RECEIVED FOR FILING

Date

By

4/23/99
M. Parsh

discontinued.

The uncontradicted testimony and evidence presented was that the dwelling on this site has been used as a boarding house for many years. Although Mr. and Mrs. Johnson have owned the property for only three years, Mrs. Pennington and her family purchased the site in 1946. She offered uncontradicted testimony that rooms were rented in this dwelling since 1946. She also indicated that such arrangement was continuous and uninterrupted since that time. That testimony was confirmed by Mr. Wischhusen, who is familiar with the site and resided in the area for many years.

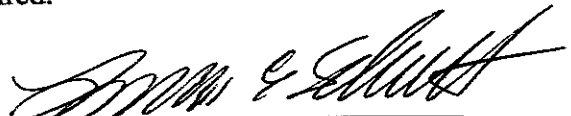
Baltimore County adopted the first comprehensive zoning regulations in 1945. At that time, this property was zoned residentially. A classification which allowed a boarding house arrangement. The present version of the BCZR was adopted through a comprehensive amendment of the regulations in 1955.

Based upon this testimony and evidence offered, I am persuaded that the Petition for Special Hearing should be granted. In my judgment, the Petitioner has presented sufficient testimony to establish that the boarding house use of this dwelling is nonconforming. Thus, the use may continue for so long as same complies with the requirements of Section 104 of the BCZR and is not discontinued or abandoned.

Pursuant to the advertisement, posting of the property and the public hearing on this Petition held, and for the reasons given above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of April 1999 that, pursuant to the Petition for Special Hearing, approval for the continuing use of the subject property as a boarding house, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired.



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date

By



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

April 23, 1999

Mr. and Mrs. Dennis W. Johnson
1337 Vanderbilt Road
BelAir, Maryland 21014

RE: Petition for Special Hearing
Case No. 99-232-SPH
Property: 233 Baltimore Avenue

Dear Mr. and Mrs. Johnson:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, with restriction, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an Appeal, please feel free to contact our Appeals Clerk at AC-410-887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
Encl.





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 233 BALTIMORE AVE 21222
which is presently zoned DRS-5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

A BOARDING HOUSE AS A LEGAL NONCONFORMING USE

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Zip Code

Representative to be Contacted:

Name

Address

City

State

Telephone No.

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No.

99-232-SPH

Reviewed By

Date

REV 9/15/98

232



HICKS ENGINEERING COMPANY, INC.

ZONING DESCRIPTION

All that piece, parcel, or tract of land known as #233 Baltimore Avenue, Baltimore County, Maryland, and recorded among the land records of Baltimore County, Maryland in Liber 11575, Folio 490, being more particularly described as follows:

BEGINNING for the same at a point on the south side of Baltimore Avenue (40 feet wide) as shown on the plat titled "PLAN OF ST. HELENA IMPROVEMENT CO.", dated October 1891 and recorded among the plat records of Baltimore County, Maryland in Liber J.W.S. 1, Folio 80; said point being distant North 89 degrees 47 minutes West, 375 feet from the west side of Willow Spring Avenue (30 feet wide) as shown on the aforementioned plat, thence running reversely with and binding on the south side of said Baltimore Avenue

1) North 89 degrees 47 minutes West, 38 feet 6 inches, thence leaving said Baltimore Avenue, running parallel to said Willow Spring Avenue, with the line of the center of a partition wall, and through Lot 283 of said plat,

2) South 00 degrees 13 minutes West, 120 feet to the rear of Lot 334 of said plat, thence running parallel to said Baltimore Avenue, and binding on part of the rear line of said Lot 334 and all of the rear line of Lot 335 of said plat

(3) South 89 degrees 47 minutes East 38 feet 6 inches to the division line of Lots 284 and 285 of said plat, thence running parallel with said Willow Spring Avenue and binding on said division line

(4) North 00 degrees 13 minutes East 120 feet to the place of beginning.

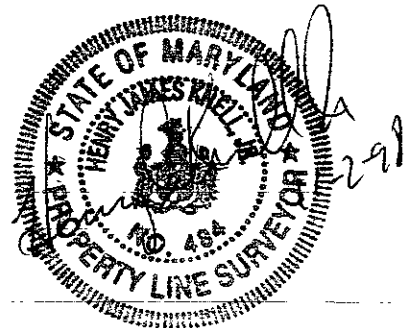
CONTAINING 4,620 square feet or 0.1061 acres of land more or less.

BEING part of Lot 283 and all of Lot 284 as shown on the plat titled "PLAN OF ST. HELENA IMPROVEMENT CO.", dated October 1891 and recorded among the plat records of Baltimore County, Maryland in Liber J.W.S. 1, Folio 80.

232

99-232-SPH

Civil Engineers • Surveyors • Land Planners



**BALTIMORE COUNTY, MAR
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 062391

232

DATE 12 2 95 ACCOUNT 1201-6150
AMOUNT \$ 250.00

RECEIVED FROM: D. Johnson
(copy) sent HRC.

FOR: 99.232-SPH

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

100

CASHIER'S VALIDATION

Paid 06/27/97
12/02/95 CASHIER 12/02/95 10:14:17
5 MISCELLANEOUS RECEIPT
RECEIVED # 062391
BALTIMORE COUNTY, MARYLAND
250.00 CASH

NOTICE OF ZONING HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows: Case: #99-232-SPH 233 Baltimore Avenue S/S Baltimore Avenue, 375 W of Willow Spring Avenue 8th Election District 4th Councilmanic District Legal Owner(s): Linda & Dennis Johnson Special Hearing: to approve a boarding house as a legal non-conforming use. Hearing: Tuesday, January 12, 1999 at 2:00 p.m. in Room 407, County Court Bldg., 401 Bosley Avenue. LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County NOTES: (1) Hearings are Handicapped Accessible, for special accommodations Please Call (410) 887-3353. (2) For information concerning the file and/or hearing Please Call (410) 887-3391. 12/29/94 Dec 24 C280840	
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CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/23/, 1998

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/23/, 1998.

THE JEFFERSONIAN,

A. Henickson

LEGAL AD. - TOWSON

RE: PETITION FOR SPECIAL HEARING
233 Baltimore Avenue, S/S of Baltimore Ave,
375' W of Willow Spring Ave, 9th Election District,
4th Councilmanic

Legal Owners: Dennis W. and Linda C. Johnson

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case Number: 99-232-SPH

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of December, 1998, a copy of the foregoing Entry of Appearance was mailed to Legal Owners Dennis W. and Linda C. Johnson, 1337 Vanderbilt Road, Bel Air, MD 21014, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

December 14, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-232-SPH
233 Baltimore Avenue
S/S Baltimore Avenue, 375' W of Willow Spring Avenue
9th Election District – 4th Councilmanic District
Legal Owner: Linda & Dennis Johnson

Special Hearing to approve a boarding house as a legal non-conforming use.

HEARING: Tuesday, January 12, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in cursive script, reading "Arnold Jablon". Below the signature is a small handwritten mark that looks like "4)".

Arnold Jablon
Director

c: Linda & Dennis Johnson

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY DECEMBER 28, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
December 24, 1998 Issue – Jeffersonian

Please forward billing to:

Dennis Johnson
1337 Vanderbilt Road
Bel Air, MD 21014

410-879-8488

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-232-SPH

233 Baltimore Avenue

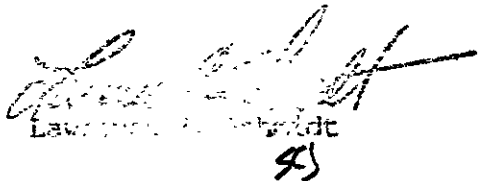
S/S Baltimore Avenue, 375' W of Willow Spring Avenue

9th Election District – 4th Councilmanic District

Legal Owner: Linda & Dennis Johnson

Special Hearing to approve a boarding house as a legal non-conforming use.

HEARING: Tuesday, January 12, 1999 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: _____

232

Petitioner: DENNIS JOHNSON

Address or Location: 233 BALTO. Ave.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DENNIS JOHNSON

Address: 1337 VANDERBILT Rd.

Bel Air Md. 21014

Telephone Number: 410 - 879 - 8488

Revised 2/20/98 - SCJ

99-232-SPH

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____.

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 99-Z 32 SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: A SPECIAL HEARING TO APPROVE
A BOARDING HOUSE AS A LEGAL NON CONFORMING
USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

January 7, 1999

Mr. & Mrs. Dennis W. Johnson
1337 Vanderbilt Road
Bel Air, MD 21014

RE: Item No.: 232
Case No.: 99-232-SPH
Location: 233 Baltimore Avenue

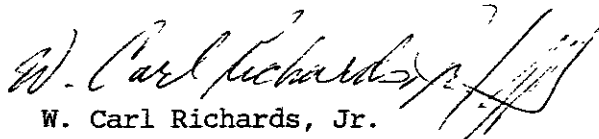
Dear Mr. & Mrs. Johnson:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on December 2, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development Management

DATE: 12/23/92

FROM: R. Bruce Seeley, Project Manager *RS/JP*
Development Coordination
DEPRM

SUBJECT: Zoning Advisory Committee

Distribution Meeting Date:

The Department of Environmental Protection and Resource Management has
no comments for the following Zoning Advisory Committee Items:


Item #'s: 222 231
223
225
226
227
228
232
233
234

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: December 24, 1998

FROM:  Robert W. Bowling, Supervisor
 Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting
 for December 23, 1998
 Item Nos. 222, 223, 224, 225, 226,
 227, 228, 229, 231, 232, 233, 234,
 and 235

AND

Revised Petitions and Plats for
Case #99-159-XA (8101 Bellona Avenue)

The Bureau of Developer's Plans Review has reviewed the subject zoning items and revised petitions and plats, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE1223.NOC



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

December 11, 1998

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: DENNIS W. JOHNSON AND LINDA C. JOHNSON - 232
JOHN BLAZEK - 222

Location: DISTRIBUTION MEETING OF December 14, 1998

Item No.: 232 AND 222

Zoning Agency:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1994 edition prior to occupancy.

REVIEWER: LT. HERB TAYLOR

Fire Marshal Office, PHONE 687-4661, MS-1102F

cc: File



for
11/12

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: December 15, 1998

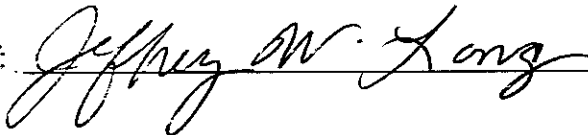
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):
Item No (s): 218, 220, 223, 224, 225, 226, 227, 228, 231, and 232

If there should be any questions or this office can provide additional information, please
contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

David L. Winstead
Secretary

Parker F. Williams
Administrator

Date: 12.11.98

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 232


JCM

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,


/s/ Michael M. Lenhart, Acting Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

DENNIS W JOHNSON

1337 VANDERBILT RD

GEORGE B. WISCHHUSEN

BEL AIR MD 21014

Viola Pennington

210 ST. HELENA AVE.

1900 Washington Rd

BALTIMORE, MD. 21222

Baltimore MD 21222



2391

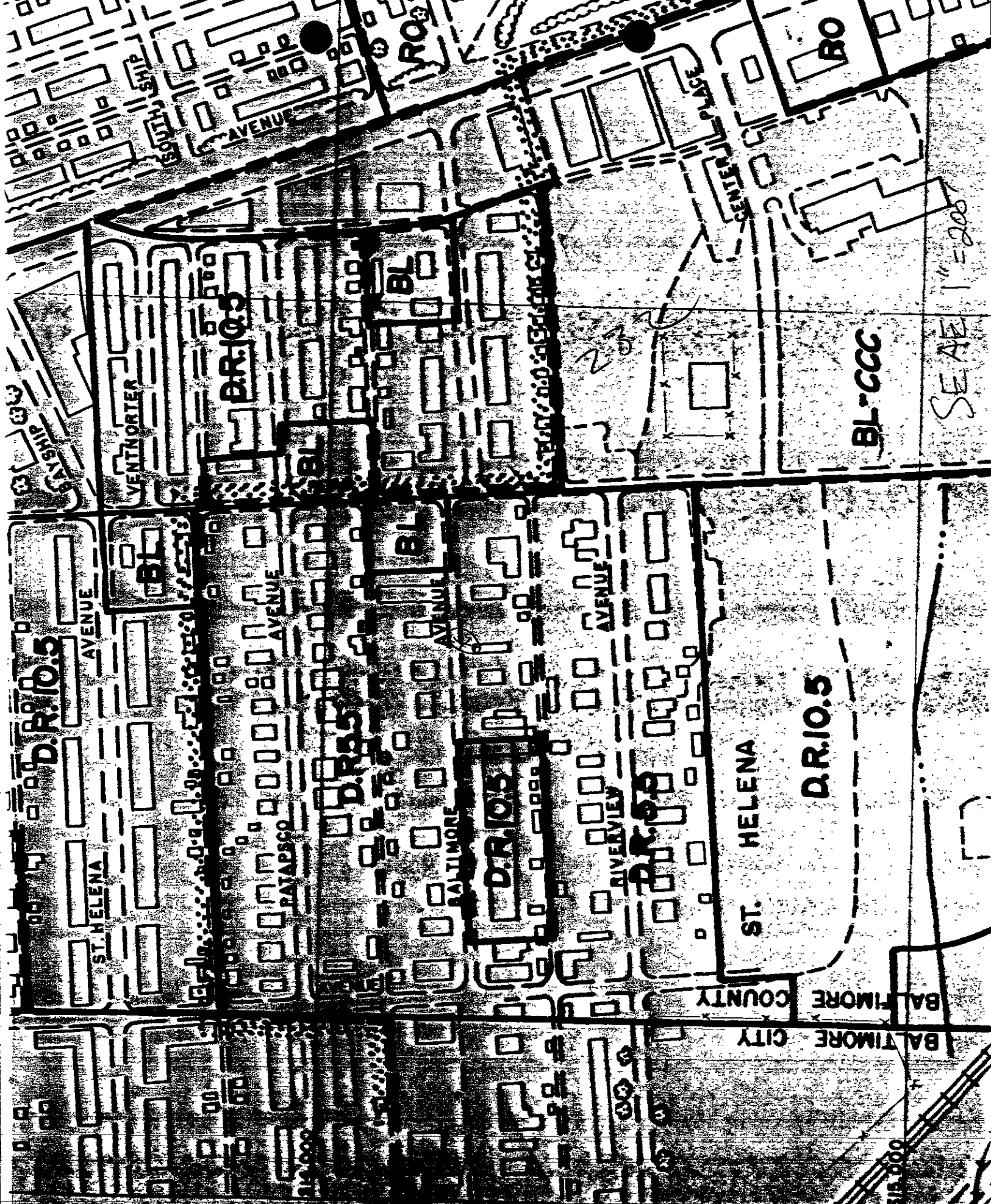
12.2.98

Note To file.

Applicant was advised of info.
Missing from site plan &

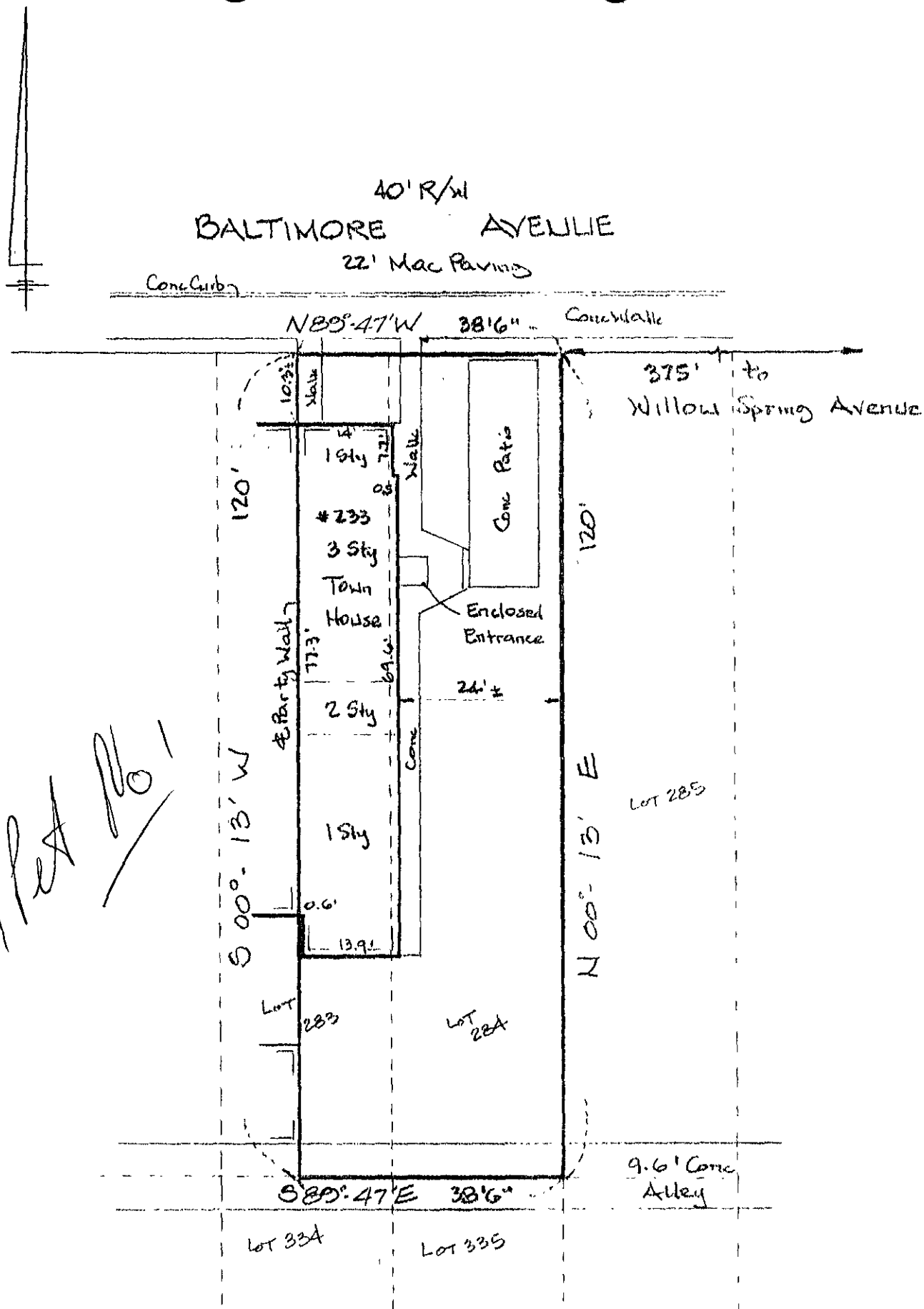
Jim.

99-292-SPH



SEE AE 1"-200'

99-232-SPH



99-232-SPH

THE LOT SHOWN HEREON IS IN FLOOD ZONE C PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL # 240010-0420B

PLAT TO ACCOMPANY

H HICKS ENGINEERING CO., INC.
ENGINEERS, SURVEYORS & PLANNERS
200 EAST JOPPA ROAD - SUITE 402
TOWSON, MARYLAND 21286
TELEPHONE: (410) 494-0001

ZONING DESCRIPTION		
#233 BALTIMORE AVENUE LIBER 11575, FOLIO 490, (PLAT 1/80) BALTO. COUNTY, MD.		
DATE: 10/4/98	SCALE: 1"=20'	FILE: 98115